

Poster:	Time Traveller	Date:	March 04, 2009 01:38:26am
Forum:	texts	Subject:	Re: Question about copyright

Anybody downloading an item from the Archive, signals his agreement to abide by any restrictions attached to that particular item, by the author, maybe the up loader too but also certainly the Archive's own restrictions. (But would the Archive enforce their own restrictions if broken?)

I am sure that the Archive and/or scanner up-loader can only ADD (not reduce) restrictions to an items copyright and that would be mainly the Archives not for profit restrictions, I believe the archive would be concerned if somebody downloaded a lot of the higher quality material which were in effect donated free of charge to the archive, and placed the material on a similar archive, maybe a specialist archive on one subject, and charged for each download. That would upset people whom freely donated their works of art to the archive, the fact that somebody is profiting from their work. And then fewer people would be donating their work. And the Archive would lose out.

Whatever is uploaded to the Archive, I believe the copyright priority lies with the original material, no matter how many times its been reproduced, as in copies of copies, digital files do not degrade each time they are copied, and an item still under copyright can not have its copyright cancelled merely by uploading it to an area of the archive or some other website with no copyright restrictions. And the same if the item is modified; it **STILL** belongs to the original author.

A full copyright automatically goes onto any work of art (that includes text, video audio etc) the second it is produced, there is no requirement for the author or producer to attach any kind of copyright notice to get full copy protection. The reason being that therefore the item **MUST** always be assumed to be fully protected, unless the author of the work of art adds a notice removing or modifying the automatic full copyright protection. Call it a Fail-safe protection. And it is possible that the author or rights owner can increase the standard protection by adding a notice. Like on movie DVDs, not for public show, not for show in institutions, etc.

An up-loader of his own personal material intended to have no copyright restrictions, or less than full copyright therefore must always attach a notice modifying the standard automatic protection on any work of art he owns the copyright of.

So summing up, every work of art must be assumed to have full copyright protection, wherever you find it, even if no copyright notice is attached, and only if the original author attaches a notice modifying the full automatic protection of his work of art, it must be assumed the item is protected to the maximum. The other option is when the up-loader attached a note saying there is no visible copyright, which means it is so old, that the standard automatic protection has expired.

That is certainly different from patent laws.

By saying something like "No VISIBLE copyright", the up-loader is saying he could be wrong and the item could still be fully protected, that removes any future legal liability from the Archive and up-loader and transfers the liability to the down-loader should the item still be protected and the original author, or agent of, or copyright owner sue for compensation or payment for the work of art.

But what is worrying for owners of copyright, is that choosing to upload his/her work of art to certain websites signals agreement by the author that he agrees to transfer all his rights to his work of art, the right to profit by his work, to that website. So it pays to always read the small print, merely uploading your work, legally indicates (according to the small print) that you fully read and understood the small print, and agreed you have transferred full ownership of your work of art to the website owners, AND given up all your rights to change your mind, and all your rights to any or future payment should your work of art be worth millions when/if on-sold. You even lose your right to restrict how your item is used by that website

but an interesting subject to think about regarding copyright of material on the WWW, considering that every country in the world has different periods of copyright, and some allow extensions of time and all have different restrictions.

Which standard copyright applies to an item?

- 1 The country the item is produced IN.
- 2 Or the country the item is downloaded TO,
- 3 Or the country the item is downloaded FROM

And what if the down loader then uploads it to a distribution media in another county with another set of copyright laws?

With the advent of the WWW, digital (not analogue works of art) and home PCs able to make untold digital copies, it seems that the worlds copyright laws badly need overhauling, and it might be a matter for the United Nations to make one law that applies worldwide so there is no confusion by people enabling lawyers to earn big money by defending authors rights.

IE, does the Archives copyright notice on each item apply worldwide equally, or just in the USA where the archive is located?

Do some countries have so strong copyright laws, that that makes it illegal for their citizens to download ANYTHING at all from the Archive?

And I forgot, any breach of copyright, it is always the copyright owner (or association of owners, such as the ones taking action on the P2P MP3 breaches) that has to take legal

action, at his or her own cost, there is no publicly funded Copyright Enforcement Agency that I know of, so really a copyright just gives the owner the RIGHT to take legal action if the owner BECOMES aware of a copyright breach.

And I forgot also, **copyright is automatic**, because there is no agency to register your work of art and hold a copy of, for possible future legal actions. And due to the number of works of art produced each minute, there will be no such agency in the future.

Copyright owners without much money for legal actions to enforce their rights, therefore are helpless. So really, the lower value item, **copyright is based on honesty**.

And honestly is in short supply in certain areas of the World.

This post was modified by Time Traveller on 2009-03-04 08:38:26

Poster:	garthus	Date:	March 04, 2009 07:07:35am
Forum:	texts	Subject:	Re: Question about copyright

Time Traveller,

Great summation. One thing that should be carefully understood though is that the person who reproduces a public domain work only has rights to the specific digital reproduction which they created; the original work still remains in the public domain. That is why those who care about public access must place as many of the digital reproductions of public domain items into the creative commons licenses. That will permanently prevent any others from trying to monopolize the digital reproductions of public domain works. I go one step further and place all of my other work into the creative commons license. Hopefully, this will facilitate the creation of a large public domain database which cannot be restricted by the corporate hacks.

Gerry

Poster:	Time Traveller	Date:	March 04, 2009 01:33:28pm
Forum:	texts	Subject:	Re: Question about copyright

Yes I agreed, I was thinking about a fully protected item, where full protection can not be cancelled out by a slight modification, because full protection automatically means nobody has the rights of modification. And that is very gray, it depends on how much modification, but there has even been legal action when a plot of a best seller has been copied, with none of the text.

Also always attaching a notice of limitations is important, rather than relying on the Archives standard notice.

Because once downloaded, the Archives standard notice is no longer there to see, or even linked to it.

It needs something like what you have in the open source software world.

This software is free to distribute, BUT MUST ALWAYS be accompanied by this notice.

Without that, some people may innocently forward an item, from the Archive (even to a site which demands full ownership) and the receiver is not aware of the restrictions, and begins distributing for big profit.

And I sure some 3rd world publishing companies are watching out for such items, FROM the Archive which have been forwarded to another web site without the original restrictions notice. That appears to be a loophole, making it very hard for the original owner to take legal action against the publishing company, because the legal offender is the person moving the item from the Archive to another location which states on its own Terms of Use that its downloads are TOTALLY free of restrictions. And not even that web site can be legally held accountable.

Ergo, the person downloading the item from the Archive, and forwarding the item without the Archives standard restrictions notice, is the only entity (poor, no money to pay compensation) that can be held accountable if further up the line, a \$1,000,000 profit type copyright breach occurs.

One restriction idea, This item is free to modify, but not to be used for profit, AND MUST ALWAYS be credited back to the original work and author AND MUST ALWAYS be accompanied by this restriction notice.

But remember, unless you have heaps of money, it is impossible to enforce your own ownership of any work of art that you produce. That's because copyright laws were meant only for commercial publishers before the WWW and the technology enabling anybody and everybody to be a publisher. Think of Desktop Publishing and a Laser Printer as opposed to a publishing company with lots of people to edit and refine best sellers, and an enormous printing press. AND a whole page of the book lays out the copy restrictions and what will happen if a breach occurs. And they have the money to back up, not their threats (bluffs) but their promises.

You can be sure that the movie publishing associations with lots of profits at stake have a paid watcher continually monitoring the Archive and other popular websites, watching for breaches.

Poster:	Time Traveller	Date:	March 04, 2009 04:21:14pm
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The large public database you mention would in affect be also a means of registering your ownership of your work of art, AS WELL AS your MEANS of publishing your work of art.

Because with lower value items, without an agency to register your ownership with, you also have the issue of proving by yourself your own ownership priority should somebody sue YOU for breach of copyright on a work of art which he claims is his own work, NOT yours.

A lot of copyright legal action is about just who is the owner BEFORE any copyright breach can be argued.